

Remarks

The Examiner objected to the disclosure because of informalities relating to the Abstract, priority information recited in the specification, and reference to the figures in the specification. Applicants have provided the Abstract, updated the priority information, and clarified reference to the figures. Applicants believe these amendments make the required corrections.

Claims 6-9, 10-17, 19 and 20 were rejected under 35 USC 112, second paragraph, as being indefinite. Claims 6-7 depend on a canceled claim. The Examiner requested that, in Claim 9, "lipopeptide" be replaced with "caspofungin". Claim 11 does not further limit the modifier of Claim 2, and Claim 19 does not further limit Claim 17. The Examiner suggested that Claim 14 should depend from Claim 12, that Claim 15 should depend from Claim 2, that Claim 16 should depend from Claim 14, and that Claim 20 should depend from Claim 2. In response to this rejection and the Examiner's comments, applicants have amended Claims 6, 7, 9, 12, 14, 15, 16 and 20, and canceled Claims 11 and 19. Applicants have also canceled Claim 21 and amended Claim 2 to incorporate the limitation in Claim 21 into Claim 2. Reconsideration and withdrawal of the rejection under 35 USC 112 is respectfully requested.

Claims 2-21 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 3-14 of copending Application No. 10/569,155. The Examiner states that '155 "does not exclude the use of amino acid modifiers in the mobile phase."


Applicants respectfully maintain that the presently claimed methods, directed to the use of mobile phase modifiers, and methods claimed in '155, directed to the use of particular stationary phases, are of differing scope and not directed to the same inventive concept. Patent protection for the stationary phase recited in '155 would not be extended by allowance of the claims in the subject application. Claims 3-14 in '155, with regard to the liquid chromatography mobile phase, do not recite the use of amino acid modifiers in the mobile phase. Reconsideration of the provisional rejection is respectfully requested.

In view of the amendments to the claims and specification and above remarks, applicants

believe the application is in condition for allowance.

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Respectfully submitted,



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